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Laredo, Texas,
May 15th, 1939.

Hon. S. T. Phelps, Atty.,
Luisa Martin Building,
Laredo, Texas.

Dear Judge:

I am herein tendering you a sketch and corrected field notes of Surveys Nos. 38 and 623 in Jim Hogg County, Texas, the property of Francisco G. Trevino, Francisca G. Trevino, Adela G. Trevino and Angelina G. Trevino, which I surveyed on May 3-6, and placed corners to the surveys, as noted in sketch, the corners placed being substantial concrete monuments 12 inches in diameter, with a 2 inch pipe extending 12 inches above each monument, which is buried into the ground 18 inches.

I made a detailed survey of the area mentioned, and found that Survey 103, as located from its patented field notes, compels a great change in all of the surveys south of the said survey as well as west of it, for it causes Survey No. 10, which is actually on the ground as noted in sketch to be made to appear to be 610 varas west of its true position, however, the older and also junior surveys adjacent to No. 10 hold it to its true position, which is about 408 varas west of the west line of the San Antonio Viejo Grant, and not 1015 as called for in the patent of No. 103. The present south line of Survey No. 103, as surveyed by E. M. Card in 1916 is noted in sketch as partly fenced, which some time during the last ten years caused a new survey, or school file No. 931, to be placed where Survey No. 266 should actually be, and also a little more confusion for 266, as the south line of Survey No. 103 will now cause Survey No. 266 to lose some of its land and also separate it from its extreme east end.

Survey No. 104, the alternate to Survey No. 103, was continued in its regular course as noted also by fenced lines on sketch, and it shows Survey No. 104 to be 1900 varas westward of Survey No. 103, and beginning from the southwest corner of Survey No. 103, as noted in its patent. This causes Survey No. 104 to be moved too far west 85 varas, and also disarranges the series of surveys west of and south of No. 104. The surveyor, Von Merrick, who surveyed No. 103, and also No. 10, and also Surveys Nos. 6, 7, 8, 12, 14 and 104, 35, 36, 41 and 42, noted his error in the location of Survey No. 103 after he had surveyed the same, and corrected his survey as per corrected field notes on file in the Land Office, and he made his adjacent Surveys 104, etc., in accordance with the corrected field notes of Survey No. 103, and also as per surveyor Haynes' survey of 625, 623 and 266. The field notes of these surveys prove that these surveys were made in accordance with the corrected survey of No. 103, and not with its original field notes which were proved to be in error. If Survey No. 103 was patented as shown, it will hold to the lines of its patent as they are held on the ground, and will cause the disarrangement of the surveys adjacent to it. However, the true position of No. 104, which appears

Hon. S. T. Phelps

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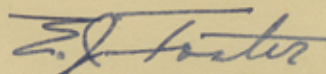
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to be too far west 85 varas in accordance with the series of surveys in that area and it being a school survey and patented several years after the patent of No. 103 was issued, is in my belief where Survey No. 623 calls for it, although it is a junior survey and surveyed later than No. 104, as this was the intention of the surveyor when he made his location. (But this is my opinion only and only a district court could actually rule as to its true position.) Survey No. 104, has been fenced as surveyed in 1916 by E. M. Card, surveyor of Hidalgo County. It shows to have been made from his survey of No. 103 which he made from the patented field notes. It has no excess, but Survey No. 103 has. If Survey No. 104 can be made to hold where the original surveyor intended it to hold on the ground, then Survey No. 623 is true and correct as I show it on my plat and its recent survey, and it is only short in acreage from its patent call some 3.4 acres instead of some 46 acres as it will actually be if the present west fence line purporting to be on the west line of No. 104 holds.

I also made a detailed survey of Survey No. 38 for which I have made corrected field notes. As it is a school survey and it has an excess of 13 acres, it would be to the owners' interest to have the original patent cancelled and a new one issued and paying for this small excess.

The field notes should be taken to the Land Office and talked over with the Chief Clerk there, and also have them recorded in their county, Jim Hogg, and the payment for excess made and the new patent issued before any change of laws takes effect.

Very respectfully,



E. J. FOSTER,
Licensed Land Surveyor.

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